

A° 1863

N° 18.



*TRANSLATION.*

**PUBLICATION**

*by which is published the Royal decree of the 16 of January 1863  
N°. 117, to prevent idleness and vagrancy.*

*IN THE NAME OF THE KING!*

THE GOVERNOR of Curaçao and dependencies.

To all to whom these presents shall come, greeting! maketh known:

Having received by a letter from His Excellency the Minister for the Colonies dd. 29 of January of the present year Lr. B. N°. 26/17 a copy of the Royal decree of the 16 of January 1863 N°. 117, *to prevent idleness and vagrancy*, in order to have the same enforced.

Has thought proper and understood:

To publish the afore mentioned hereunto annexed Royal decree of the 16th of January 1863 No. 117, and to stipulate that said Royal decree shall enter into effect on the 1 of July 1863.

And shall these presents be published in the usual manner at Curaçao and dependencies and inserted in the Publication-book.

Done at Curaçao the 26 of May 1863.

(sigd.) J. D. CROL.

The Colonial Secretary,

(sigd.) J. H. BEAUJON.

Published with the annexed royal decree of the 16 of January 1863 N°. 117 at Curaçao from the Courthouse and in Williamstown dd. ut supra.

The Colonial Secretary,

(sigd.) J. H. BEAUJON.

Translated by me,

Sworn Translator,

W. B. MELLINK.

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## TRANSLATION.

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*Copy.*  
16th of January 1863.  
N°. 117.

WE WILLIAM III, BY THE GRACE OF THE  
LORD, KING OF THE NETHERLANDS,  
PRINCE OF ORANGE-NASSAU, GRAND-  
DUKE OF LUXEMBURG, etc., etc., etc.

Considering that for the execution of art. 21 of the Law of 8 August 1862 (Staatsblad N° 165), containing abolition of Slavery at the islands *Curaçao, Bonaire, Aruba, St. Eustatius, Saba* and *St. Martin* (Neth. Part), it is required to enact a regulation to prevent idleness and vagrancy.

At the proposal of Our Minister for the Colonies of the 14th of November 1862 Litt. B N°. 9.

Heard the Council of State (advice of the 12th of December 1862 N°. 7).

Seen the later report of Our Minister of Finances, temporary charged with the direction of the Department of the Colonies dated 14th of January 1863 Litt. B. N°. 1.

Have thought proper and understood :

### Art 1.

For idleness and vagrancy are punishable :

- a. those who without a permanent lodging and sufficient means of support do not profess any vocation or trade by which they provide for their maintenance.
- b. those who are guilty of beggary.

It shall not be considered beggary when support is asked by those

who used to provide in a proper manner in their maintenance, but who are in immediate distress neither when asked by infirm or aged persons, unable to work, and for whom not sufficiently is provided from elsewhere.

#### Art. 2.

Idlers and vagrants shall be conveyed immediately to the Police Office, or in want of this, to the place which substitutes this office.

Of every arrestation notice is given with the greatest speed, at *Curaçao*, *St. Martin* (Neth. Part) and *St. Eustatius* by the Chief of Police, and on the other islands by the gezaghebbers, to the judge by whom the arrested person is to be tried.

In case the reception of this notice at the place where the judge resides, is not followed up within three days by a judicial mandate of imprisonment the arrested person shall legally be liberated.

#### Art. 3.

Foreigners,—whether they are in the possession or not of a permission to establish themselves, according art. 49 of the regulation on the Government of the colony,—beeing found in idleness and vagrancy shall be removed with the greatest speed from the colony, at *Curaçao* by the Chief of the Police, at the other Islands by the Gezaghebbers. Three days are however allowed to them to appeal to the Governor.

During this time and before the Governor has decided upon a timely interjected appeal, the order for removal shall not be carried into effect.

They remain in custody until their removal, should the decision of the Governor be to that effect, or in the other case until the day on which the decision of the Governor shall be received.

#### Art. 4.

Idlers and vagrants above 16 years of age are punished with imprisonment for the first time from eight days to three months; after a first condemnation from three to six months, after a second or further condemnation from six months to two years.

Those under sixteen years of age, when found in idleness and vagrancy or having left on their own authority the house where they were placed by their parents, guardians or those by whom they were adopted to be educated, are at the disposal of the Chief of the Police at *Curaçao* or of the Gezaghebbers on the other Islands.

These are competent to punish them if need should be, with imprisonment for eight days at the utmost, and then to send them back to their parents, guardians or those by whom they were adopted; or to take measures to provide for their further education, instruction and maintenance.

#### Art. 5.

Should any body, guilty of idleness and vagrancy, be condemned at the same time for another crime, the severest punishment stated

against such a crime then shall be applied. The judge may,—only for important reasons,—apply a milder punishment.

#### Art. 6.

Those, who although not guilty in the sense of art. 1 of idleness and vagrancy, nevertheless are met wandering, or who without the permission of the owner or tenant, pass the night in gardens, yards, galleries, open plains, vessels or on public places, where their stay is dangerous for the safety of the inhabitants, shall be punished with imprisonment from one to three days, besides the prosecution for other reasons, if any ground exists for it. They incur equal punishment, if after being called they do not appear before the competent authority.

#### Art. 7.

It is forbidden to give voluntarily lodging to persons who evidently give themselves over to idleness and vagrancy.

Transgression of this prohibition shall be punished with imprisonment from *three to fourteen* days and a fine from *five to seventy five guilders* jointly or separately.

In case of condemnation in a fine, art. 61 of the Regulation for the Bench of Justice for small matters (Publication-book 1828 N° 128), is applicable.

#### Art. 8.

The Chief of the Police at *Curaçao* and the Gezaghebbers at the other Islands are qualified to set to work those condemned for idleness and vagrancy during the time of their punishment.

#### Art. 9.

Those who having been condemned for idleness and vagrancy, commit after the expiration of the time of punishment, similar transgressions, remain during three years at the disposal of the Chief of the Police at *Curaçao* and of the Gezaghebbers at the other Islands.

These are qualified to set them to work either at public works or to board them with private persons, or in any other manner to be ordained by the Governor.

Besides the application of the measures of discipline to be ordered by the Governor, he may double the term of three years, if the person placed at the disposal continues to be unwilling to work or if he leaves the service, in which he has been placed.

#### Art. 10.

The Governor is qualified to release the person placed at the disposal before the term of three years has expired.

He shall be legally released, if he obtains means by which he is able to support himself or when other persons give sufficient security, that he shall not want the means for his sustenance.

#### Art. 11.

Whatever is earned by the person placed at the disposal shall come to the benefit of colonial chest, and first of all be used to cover the

expences of his prosecution, condemnation, clothing and maintenance. What may be left after these expenses are paid, will be paid over to him according to the decision of the Governor, in the manner as the Chief of the Police at *Curaçao* and the Gezaghebbers at the other islands may deem most expedient.

Our Minister for the Colonies is charged with the execution of these presents of which a copy shall be sent to the Council of State for information.

The Hague the 16th of January 1863.  
(sigd.) WILLIAM.

The Minister of Finances,  
temporally charged with the direction  
of the Department of the Colonies,  
(sigd.) G. H. BETZ.

Agrees with its original,  
The Secretary General  
by the Ministry of the Colonies,  
(sigd.) FEITH.

Translated by me,  
Sworn Translator,  
W. B. MELLINK.